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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,776	12/20/2001	Markus Gerardus Leonardus Maria Van Doorn	NL000740	3930
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
			EXAMINER WOO, ISAAC M	
			ART UNIT 2166	PAPER NUMBER

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/024,776

Applicant(s)

VAN DOORN, MARKUS  
GERARDUS LEONARDUS MA

Examiner

Isaac M. Woo

Art Unit

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### DETAILED ACTION

1. This action is in response to Applicant's Amendments, filed on May 15, 2005 have been considered but are deemed moot in view of new ground of rejections below.
2. Claims 6-7, 9 and 12 are amended. Claims 1-5 are canceled. Claims 6-12 are pending in this office action.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 6-12 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

As set forth in MPEP 2106 (II) (A):

*A. Identify and Understand Any Practical Application Asserted for the Invention*

*The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a*

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certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (*Brenner v. Manson*, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); *In re Ziegler*, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.

Apart from the utility requirement of 35 U.S.C. 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application requirement. See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make the invention eligible for patenting. For example, a claim directed to a word processing file stored on a disk may satisfy the utility requirement of 35 U.S.C. 101 since the information stored may have some "real world" value. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 does not mean that a useful result is achieved under the practical application requirement. The claimed invention as a whole must produce a "useful, concrete and tangible" result to have a practical application.

Regarding claim 6, a method of enabling a user to retrieve information and applications on a network, can be implemented without computer or machine. Because the limitation of claim 6, "receiving" and "presenting", can be implemented by a human with a pencil, and a piece of paper for searching an electronic document. Thus, the languages of claim 6 raises a question as to whether the claimed method is directed

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merely to an abstract idea that is not tied to a producing a concrete, useful, and tangible result to from the basis of statutory subject matter under 35 U.S. C. § 101. Therefore, the claimed invention is non-statutory subject matter. The claims should be amended to indicate that the subject matter is implemented by a computer, i.e., a computer implemented method.

Regarding claim 12, for a computer readable medium for use with a network terminal, the limitation of claim 12, "code for retrieving" and "code for presenting" program codes that are embedded any a computer-readable medium but not run by any a computer or machine. Therefore, the claim is not a statutory system and should be rejected under § 101 as not being tangible. The claims should be amended to indicate that the subject matter is implemented, run, or executable by a computer or machine.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Perkowski (U.S. Patent No. 6,064,979).

With respect to claim 6, Perkowski discloses, retrieving content (c, fig. 4A, client system receives URL and information, col. 14, lines 41-67) from one or more data sources (4, IPS information server, fig. 1), see (a, fig. 4A, client requests web content and retrieves information, col. 14, lines 41-67); and presenting the retrieved content to the user (fig. 2A1, fig. 2A2, col. 10, lines 47-67 to col. 11, lines 1-49, col. 12, lines 20-67 to col. 13, lines 1-39), wherein the retrieved content presented to a user includes information concerning web network applications and/or services (product description field, fig. 2A1, col.10, lines 47-67 to col. 11, lines 1-16), the information being retrieved on the basis of a dedicated and searchable meta data category (URL field, fig. 2A2, URL with sub information) relating to and provided by the web network application and/or service (product description field, fig. 2A1, col.10, lines 47-67 to col. 11, lines 1-16), wherein the meta data category includes a task-description language (text) application to specify types of web network applications and services (fig. 2A2, URL with sub information is described by text, col. 12, lines 20-67 to col. 13, lines 1-38), the meta data category (URL field, fig. 2A2) describes the functionality of the network site as one or more functional identifiers (product specification information field, fig. 2A2) (URL field includes product specification information field, col. 12, lines 20-67 to col. 13, lines 1-38).

With respect to claim 7, Perkowski discloses, analyzing an input user query to detect a desire for retrieving network applications and/or services, retrieving content from one or more data sources that match the user query and presenting the retrieved content to the user, see (fig. 4A, client requests web content and retrieves information, col. 14, lines 41-67).

With respect to claim 8, Perkowski discloses, filtering content and applications from the one or more data sources to match such content with a user query or user profile, see (client requests web content and retrieves information, col. 14, lines 41-67).

With respect to claim 9, Perkowski discloses, web browser is configured to deliver information to the user based on a user profile, so as to personalise the portal, see (col. 12, lines 20-67 to col. 13, lines 1-38).

With respect to claim 10, Perkowski discloses, user profile is constructed based upon implicit feedback from information originating from the user and delivered by the browser, see (col. 12, lines 20-67 to col. 13, lines 1-38).

With respect to claim 11, Perkowski discloses, content is retrieved based directly upon a user query and such content includes one or more links to application and/or service providers identified by said one or more functional identifiers, see (col. 11, lines 1-40).

With respect to claim 12, Perkowski discloses, retrieving content (c, fig. 4A, client system receives URL and information, col. 14, lines 41-67) from one or more data sources (4, IPS information server, fig. 1), see (a, fig. 4A, client requests web content and retrieves information, col. 14, lines 41-67); and presenting the retrieved content to the user (fig. 2A1, fig. 2A2, col. 10, lines 47-67 to col. 11, lines 1-49, col. 12, lines 20-67 to col. 13, lines 1-39), wherein the retrieved content presented to a user includes information concerning web network applications and/or services (product description field, fig. 2A1, col.10, lines 47-67 to col. 11, lines 1-16), the information being retrieved on the basis of a dedicated and searchable meta data category (URL field, fig. 2A2, URL with sub information) relating to and provided by the web network application and/or service (product description field, fig. 2A1, col.10, lines 47-67 to col. 11, lines 1-16), wherein the meta data category includes a task-description language (text) application to specify types of web network applications and services (fig. 2A2, URL with sub information is described by text, col. 12, lines 20-67 to col. 13, lines 1-38), the meta data category (URL field, fig. 2A2) describes the functionality of the network site as one or more functional identifiers (product specification information field, fig. 2A2) (URL field includes product specification information field, col. 12, lines 20-67 to col. 13, lines 1-38).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW  
October 19, 2005

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER